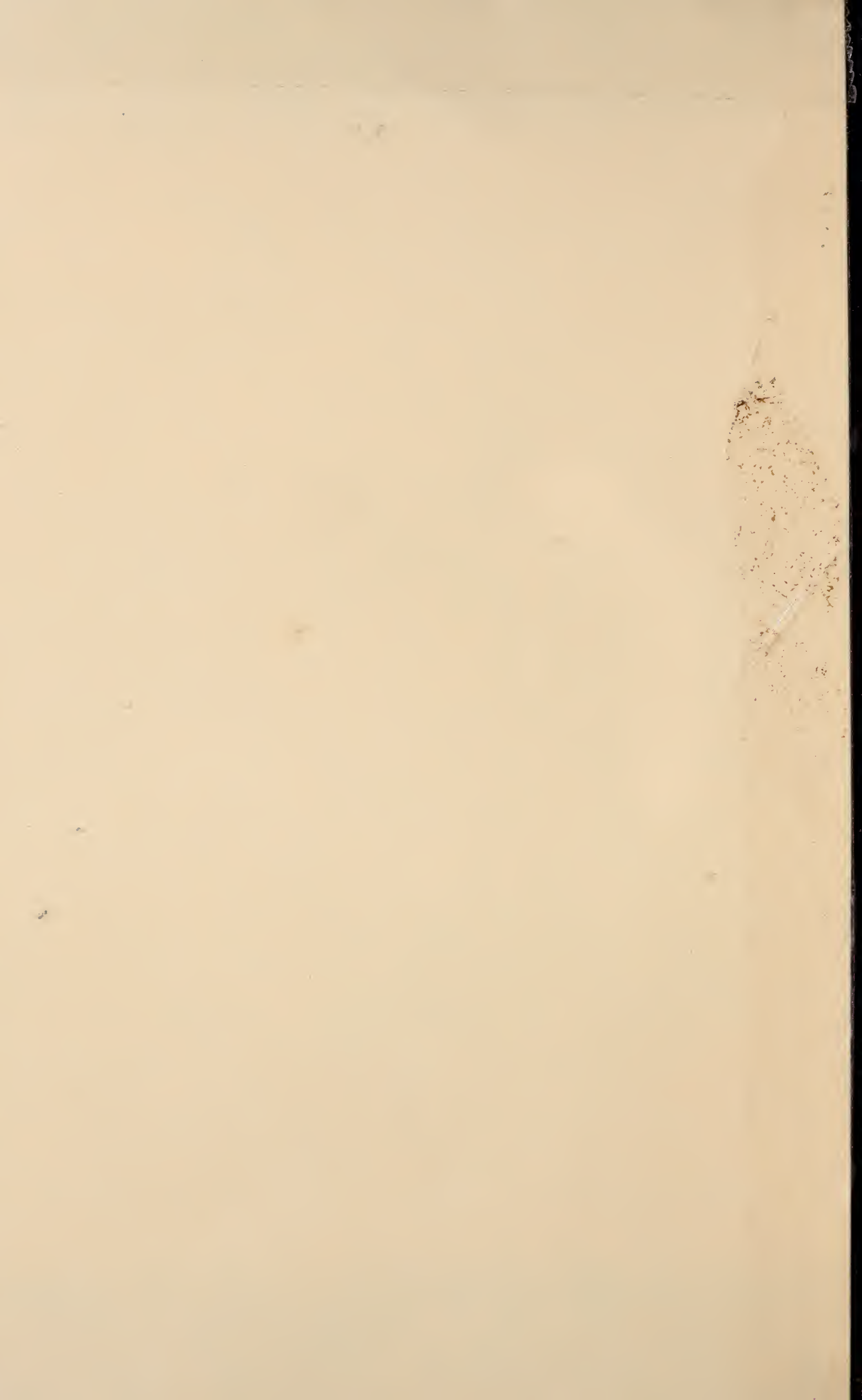
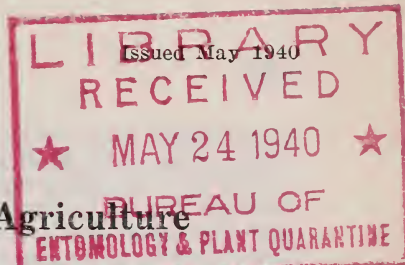


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1711-1730

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 29, 1940]

1711. Misbranding of Abco Pine Disinfectant. U. S. v. American Brush Co. Plea of guilty. Fine, \$20. (I. & F. No. 2130. Sample No. 39460-D.)

This product failed to bear on its label the required ingredient statement, it was represented to be nontoxic when it was not, and it was found to be an ineffective disinfectant when used at the dilution specified.

On September 9, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Brush Co., a corporation, Portland, Oreg., alleging shipment by it in violation of the Insecticide Act of 1910 on or about January 13, 1939, from Portland, Oreg., into the State of Washington of a quantity of Abco Pine Disinfectant, which was a misbranded fungicide.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount thereof were not stated upon the label; nor in lieu thereof were the name and percentage amount of each substance therein possessing fungicidal properties, and the total percentage of the inert substance stated plainly and correctly on the label. It was alleged to be misbranded further in that the statements, "Non-Toxic * * * Disinfectant * * * Use 1 to 2 ounces to each gallon of water for all general disinfecting purposes," borne on the label, were false and misleading, and by reason thereof it was labeled so as to deceive and mislead purchasers, since it was not nontoxic and it was not an effective disinfectant when used in the dilution specified.

On October 19, 1939, a plea of guilty was entered and a fine of \$20 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1712. Misbranding of Weinkle's Pine Cleanser, Weinkle's Perfume Crystals, and No. 1. Pine Disinfectant. U. S. v. Isaac Weinkle (The Weinkle Co.). Plea of guilty. Fine, \$200. (I. & F. No. 2136. Sample Nos. 10469-D, 44941-D, 45225-D, 45226-D.)

The Pine Cleanser in the dilutions recommended would not be an effective disinfectant, and its labeling did not bear an ingredient statement as required by law. The directions for use of the Perfume Crystals were inadequate since the product, when used as directed, would not be effective against moths and insects, and it would not improve the condition of the air. The labeling of the No. 1 Pine Disinfectant failed to bear an ingredient statement as required by law.

On July 19, 1939, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed an information against Isaac Weinkle, trading as the Weinkle Co., at Atlanta, Ga., alleging shipment by him in violation of the Insecticide Act of 1910 on or about July 9, August 24, and November 14, 1938, and January 20, 1939, from Atlanta, Ga., into the States of Florida and South Carolina of quantities of Weinkle's Pine Cleanser, Weinkle's Perfume Crystals, and No. 1 Pine Disinfectant that were misbranded.

The Pine Cleanser (two shipments) was alleged to be a misbranded fungicide in that the statements on the label, "Use one-half to one pint to three gallons of water. Disinfects," were false and misleading and by reason thereof, it

was labeled so as to deceive and mislead purchasers, since it would not disinfect when used as directed.

The Pine Cleanser and also the Pine Disinfectant were alleged to be misbranded fungicides since they consisted partially of an inert ingredient, water, and the name and percentage amount of the water were not stated on the label; nor in lieu thereof did the labels bear the name and percentage amount of each ingredient of the article having fungicidal properties, and the total percentage of the inert ingredient.

The Perfume Crystals were alleged to be a misbranded insecticide in that the statements, "Weinkle's Perfume Crystals For * * * Air Conditioning * * * Repels Moths and Insects. Directions: Sprinkle around in closets, dressing room, funeral parlors, offices, and in musty and unventilated places," borne on the can labels, were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead purchasers, since when used as directed, it would not repel moths and insects and would not improve the condition of the air.

The information also charged interstate shipment of other products in violation of the Federal Caustic Poison Act, reported in notice of judgment No. 94 published under that act.

On July 19, 1939, a plea of guilty was entered, and the court imposed a fine of \$200 for violation of both acts.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1713. Misbranding of Churchill's Pine-O. U. S. v. Churchill Manufacturing Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2153. Sample No. 48594-D.)

The label for this product failed to bear the required ingredient statement.

On October 3, 1939, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Churchill Manufacturing Co., a corporation, Galesburg, Ill., alleging shipment in violation of the Insecticide Act of 1910 on or about January 24, 1939, from Galesburg, Ill., into the State of South Dakota of a quantity of Churchill's Pine-O, which was a misbranded fungicide.

The article was alleged to be misbranded in that it consisted partially of an inert substance or ingredient, namely, water, and the name and percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having fungicidal (bactericidal) properties, and the total percentage of the inert substance or ingredient stated plainly and correctly, or at all, on the label.

On October 26, 1939, a plea of guilty was entered and the court imposed a penalty of \$25 in lieu of fine and costs.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1714. Misbranding of Piratol, Selig Airaid, Weevi-Kill, and Selco Toilet Cleanser. U. S. v. Selig Co. Plea of guilty. Fine, \$400. (I. & F. No. 2137. Sample Nos. 44903-D, 44904-D, 44918-D, 44922-D, 44927-D.)

The labels for each of the above-named products bore false efficacy claims. The label for Selco Toilet Cleanser also failed to bear the required ingredient statement.

On September 11, 1939, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Selig Co., a corporation, Athens, Ga., alleging shipment by it in violation of the Insecticide Act of 1910, on or about September 20, 1938, and January 3, 8, and 16, 1939, from Atlanta, Ga., into the States of North Carolina, South Carolina, and Tennessee of quantities of Piratol, Selig Airaid, Weevi-Kill, and Selco Toilet Cleanser, which were misbranded insecticides and fungicides.

The Piratol was alleged to be misbranded in that the statements, "Disinfectant * * * Directions: Use one-half cup of Piratol to each pail of water for mopping, scrubbing, sprinkling, cleaning purposes. Cellars—Sprinkle with a solution of one cupful of Piratol to a gallon of water. Floors—Use one half cup of Piratol to a pail of water when scrubbing or mopping. Piratol reaches dirt, germs and vermin. Water Closets and Urinals—Flush the closets and urinals bowls regularly with Piratol solution in the proportion of one half cup to a gallon of water. Scrub the floor and seat frequently with Piratol solution. * * * Ice Boxes, Meat and Cake Boxes—Scrub with a solution of three teaspoons of Piratol to a gallon of water. Always leave open until thoroughly

dried and aired. Kitchen Sinks, Scrub above and beneath the sink using a solution of one half cup of Piratol to a pail of water and flush pipes with the remainder of the fluid. Poultry Houses—Disinfect the premises occupied by the poultry by sprinkling with a solution of a cup of Piratol to each gallon of water. * * * For Animal Quarters—Keep the barns, kennels, pens, and sties thoroughly clean by scrubbing and spraying freely with a solution of Piratol in the proportion of one cupful to a pail of water. Scrub all floors with the same solution. This will help to prevent disease,” “Piratol * * * Floors Use one half cup of Piratol to a pail of water when scrubbing or mopping. Piratol reaches * * * vermin,” “Garbage—Sprinkle with Piratol solution one half cup to a gallon of water. Rinse the empty can with some of the solution and leave the wash in the can. Piratol helps prevent the breeding of flies and certain insects,” and “Roaches—Scrubbing regularly with a solution of one cup full of Piratol to a pail of water will destroy roaches by contact,” borne on the label, were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead purchasers, since it would not help prevent disease, would not disinfect when applied by sprinkling, would not be an effective disinfectant in the weaker dilutions specified; and when used as directed, would not reach all vermin, would not help prevent the breeding of flies and certain other insects unless it was applied repeatedly, and would not destroy roaches.

The Selig Airaid was alleged to be misbranded in that the statements, “Airaid Repels Moths Airaid Repels Unpleasant Odors * * * Airaid Ideal for improving atmospheric conditions in schools, theatres, office buildings, factories and other similar places,” borne on the label, were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead purchasers, since it would not repel moths, would not repel unpleasant odors, and would not improve atmospheric conditions in the places designated.

The Weevi-Kill was alleged to be misbranded in that the statements, “Weevi-Kill Kills Mill Insects A Powerful Contact Spray * * * Kills Flour Beetles, Rice Weevils, Indian Mealmoths, Sawtooth Grain Beetles. Spray Generously With Electric Sprayer or Hand Sprayer,” borne on the label, were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead purchasers, since it would not kill all mill insects and would not kill the insects specified.

The Selco Toilet Cleanser was alleged to be misbranded in that it consisted partially of inert substances or ingredients, namely, substances other than sodium bisulfate, and the name and percentage amount of each inert substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having fungicidal properties and total percentage of the inert substances or ingredients, stated plainly and correctly on the label. It was alleged to be misbranded further in that the statement, “Selco Toilet Cleanser * * * sterilizes,” borne on the label, was false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it would not sterilize toilets.

The Selco Toilet Cleanser also was alleged to be misbranded under the Federal Caustic Poison Act, as reported in notice of judgment No. 95 published under that act.

On October 28, 1939, a plea of guilty was entered and the court imposed fines for violation of both acts, the fines on the counts under the Insecticide Act of 1910 amounting to \$400.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1715. Misbranding of Gesco Disinfectant, Quincy Insect Spray, Flyfo Liquid Spray, and G-Men Liquid Spray. U. S. v. Albert Granowitter, Harry Miller, and Julius Spodek (G. E. Specialty Co.). Plea of guilty. Total fine, \$500. (I. & F. No. 2097. Sample Nos. 9828-D, 26123-D, 26125-D, 26982-D.)

The Gesco Disinfectant failed to bear on its label the required ingredient statement; the Quincy Insect Spray bore efficacy claims that were unwarranted when it was used as directed and it was not nonpoisonous as claimed; the Flyfo Liquid Spray also bore efficacy claims that were unwarranted when it was used as directed; and the G-Men Liquid Spray was not effective for killing flies as claimed.

On June 6, 1939, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Granowitter, Harry Miller, and Julius Spodek, copartners, trading at Brooklyn, N. Y., under the name of G. E. Specialty

Co., alleging shipment by them in violation of the Insecticide Act of 1910, on or about January 10, July 15, and August 15, 1938, from Brooklyn, N. Y., into the States of New Jersey, Connecticut, and Pennsylvania of a quantity of Gesco Disinfectant that was a misbranded fungicide, and quantities of Quincy Insect Spray, Flyfo Liquid Spray, and G-Men Liquid Spray that were misbranded insecticides.

The Gesco Disinfectant was alleged to be misbranded in that it consisted partially of inert substances, namely, water and mineral oil, and the name and the percentage amount of the said inert substances were not stated on the label; nor in lieu thereof were the name and percentage amount of each substance having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

The Quincy Insect Spray was alleged to be misbranded in that the statements, "Insect spray kills insects * * * It is harmless," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers since when used as directed, it would not be effective against all insects, and it was not nonpoisonous.

The Flyfo Liquid Spray was alleged to be misbranded in that the statements, "Insect's Enemy. Flyfo Liquid Spray * * * it is a destroyer of household insects * * * Flyfo Liquid Spray Kills Flies * * * Flies * * * Close doors and windows. Spray Flyfo upward in all directions, filling room with vapor. Repeat in 3 minutes if necessary until insects have dropped to the floor," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it would not destroy all household insects and was not an effective spray for killing flies when used as directed.

The G-Men Liquid Spray was alleged to be misbranded in that the statements, "G-Men Liquid Spray Kills * * * Flies * * * Close doors and windows. Spray freely upward in all directions, filling the room with vapor. Repeat in 3 minutes if necessary until insects have dropped to the floor," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser, since it was not an effective spray for killing flies.

On October 4, 1939, pleas of guilty were entered and the court imposed fines of \$300 against Albert Granowitter, \$100 against Harry Miller, and \$100 against Julius Spodek.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1716. Adulteration and misbranding of Bronco Pine-All Disinfectant. U. S. v. Uncle Sam Chemical Co., Inc. Plea of guilty. Fine, \$40. (I. & F. No. 2084. Sample No. 25870-D.)

This product was represented to consist entirely of pine oil, but an examination of a sample showed that it contained mineral oil in a proportion of approximately 15.6 percent. It also failed to bear a correct ingredient statement as required by the act.

On June 23, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uncle Sam Chemical Co., Inc., of New York, N. Y., alleging shipment in violation of the Insecticide Act of 1910 on or about June 22, 1938, from New York, N. Y., into the State of Connecticut of a quantity of Bronco Pine-All Disinfectant, which was an adulterated and misbranded fungicide.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Pine-All Disinfectant * * * Inert matter water 10%."

It was alleged to be misbranded in that the statement "Pine-All Disinfectant," borne on the label, was false and misleading and by reason of such labeling, it was so labeled and branded as to deceive and mislead purchasers, since it was not exclusively a pine-oil disinfectant, because it consisted in part of mineral oil. This product was misbranded further in that the statement "Inert matter water 10%" was false and misleading and by reason thereof, it was so labeled and branded as to deceive and mislead purchasers, since its inert ingredients consisted of a substance other than and in addition to water, namely, mineral oil. The product was alleged to be misbranded still further in that it consisted partially of an inert substance, namely, mineral oil, and the name and percentage amount of such inert ingredient were not stated upon the label; nor in lieu thereof, were the name and percentage amount of each and every ingredient

having fungicidal properties, and the total percentage of inert ingredients, stated plainly on the label.

On July 18, 1939, a plea of guilty was entered and the court imposed a fine of \$40.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1717. Misbranding of Insex Repellent. U. S. v. De Pree Co., Inc. Plea of nolo contendere. Fine, \$200. (I. & F. No. 2151. Sample No. 55202-D.)

This product, when tested, showed little value as a mosquito repellent.

On September 19, 1939, the United States attorney for the Western District of Michigan, filed an information against the De Pree Co., Inc. Holland, Mich., alleging shipment in violation of the Insecticide Act of 1910 on or about April 6, 1939, from Holland, Mich., into the State of Illinois of a quantity of Insex Repellent that was misbranded.

The article was alleged to be misbranded in that the statements, (bottle) "Insex Repellent * * * Directions Rub Insex gently into the skin wherever exposed to the menace of mosquito bites * * * on the ankles, legs, arms, neck, face, hands, forehead. Repeat application every 2 to 4 hours," and (carton) "Insex Repellent keeps mosquitoes away for several hours. For the beach camp, fishing trip, golf game, picnic, or any outdoor occasion where mosquitoes may be a source of menace and discomfort," were false and misleading and by reason thereof, the article was so labeled as to deceive and mislead purchasers, since it would not keep mosquitoes away for several hours.

On September 26, 1939, a plea of nolo contendere was entered on behalf of the defendant and a fine of \$200 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1718. Misbranding of Cedarettes. U. S. v. 43 Packages of Cedarettes. Default decree of condemnation and destruction. (I. & F. No. 2103. Sample No. 64050-D.)

This product bore on its label unwarranted claims that it would prevent moths and rid houses of ants, cockroaches, and bedbugs. The label also failed to bear the ingredient statement required by the act.

On July 27, 1939, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 packages, of Cedarettes at Great Falls, Mont.; alleging that the article had been shipped in interstate commerce on or about September 19, 1938, by the Cedarette Co. from Salt Lake City, Utah; and charging that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Cedarettes Moth Preventative. Directions. Place in small cheese cloth bags. Place under cushions and in deep parts of overstuffed sets, trunks, dresser drawers, pockets of clothing, underneath hangers in clothes closets. Sprinkle underneath rugs. Will also rid your house of ants, cockroaches, and bed bugs. Directions: For ants and cockroaches, sprinkle where infested. For bed bugs, sprinkle on top of mattress and where infested," borne on the label, were false and misleading and by reason thereof, it was so labeled and branded as to deceive and mislead purchasers, since when used as directed, it would not prevent moths and it would not rid the house of ants, cockroaches, and bedbugs. It was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than cedar oil, and the name and percentage amount of each and every one of the said inert substances were not stated on the label; nor in lieu thereof were the name and the percentage amount of the substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients, stated on the label.

On September 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1719. Adulteration and misbranding of Aphicide No. 15 and Aphicide No. 10. U. S. v. Ten 25-Pound Cans of Aphicide No. 15 and Three 25-Pound Cans of Aphicide No. 10. Default decree of condemnation and sale. (I. & F. No. 2131. Sample Nos. 36907-D, 36908-D.)

These products were found to be low in nicotine content and correspondingly high in inert ingredients. Samples of the Aphicide No. 15 were found to contain 4.6 percent of nicotine and 95.4 percent inert ingredients, and the Aphicide No.

10 was found to contain 2.81 percent of nicotine and 97.19 percent of inert ingredients.

On May 16, 1939, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 25-pound cans of Aphicide No. 15 and three 25-pound cans of Aphicide No. 10 at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce within the period from April 27 to July 19, 1938, by the Aphicide Spray Manufacturing Co. from Rocky Ford, Colo.; and charging that it was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The Aphicide No. 15 was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Nicotine 5%, Inert ingredients 95%." It was alleged to be misbranded in that the statements "Nicotine 5%, Inert ingredients 95%," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it contained less than 5 percent of nicotine and more than 95 percent of inert ingredients.

The Aphicide No. 10 was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Nicotine 3.5%, Inert ingredients 96.5%." It was alleged to be misbranded in that the statements "Nicotine 3.5%, Inert ingredients 96.5%," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it contained less than 3.5 percent of nicotine and more than 96.5 percent of inert ingredients.

On July 20, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered sold to local cantaloup growers or farmers, after removal of all labels.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1720. Misbranding of Cresolene Disinfecting Fluid. U. S. v. Lena Ergang (Cahn Manufacturing Co.). Plea of nolo contendere. Fine, \$25. (I. & F. No. 2148. Sample No. 51255-D.)

This product possessed a phenol coefficient lower than that stated on the label, and it would not have been an effective disinfectant in the dilution recommended in the labeling.

On September 6, 1939, the United States attorney for the Eastern District of Pennsylvania, filed an information against Lena Ergang, trading as the Cahn Manufacturing Co., Philadelphia, Pa., alleging shipment by her in violation of the Insecticide Act of 1910, on or about March 13, 1939, from Philadelphia, Pa., into the State of New Jersey of a quantity of Cresolene Disinfecting Fluid that was misbranded.

The product was alleged to be a misbranded fungicide in that the statements, "Phenol Co-Efficient 2, F. D. A. * * * Used as a Disinfectant in Sick Room for cleaning Bed Pans, Chamber Pots, Walls and Woodwork. In House Cleaning Used as a Germicide. Directions—Five tablespoons to a gallon of water makes a solution of sufficient strength to meet all requirements," borne on the bottle label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers since it possessed a phenol coefficient of less than 2 when tested according to the F. D. A. method; and when used in the dilution specified on the label, it would not act as an effective disinfectant.

On September 13, 1939, a plea of nolo contendere was entered, and the court found the defendant guilty, and imposed a fine of \$25.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1721. Misbranding of Niagara 90-10 Dust Code J-12. U. S. v. 38 Bags of Niagara 90-10 Dust Code J-12. Default decree of condemnation and destruction. (I. & F. No. 2133. Sample No. 44984-D.)

This product was labeled to indicate that it contained sulfur, whereas it contained no sulfur.

On May 26, 1939, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed a libel against 38 bags of Niagara 90-10 Dust Code J-12 at Fort Valley, Ga., which had been shipped in interstate commerce by the Niagara Sprayer & Chemical Co., Inc.; alleging that the article had been shipped from Jacksonville, Fla., on or about March 16, 1939; and charging that it was misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "For use as fungicide for the control of such plant diseases as respond to treatment with un-

combined sulphur. A portion of this material consists of highly colloidal sulphur produced by the absorption of molten sulphur into Bentonite Clay, which is used for the purpose of rendering the Sulphur colloidal," were false and misleading and by reason thereof, it was so labeled as to deceive and mislead the purchaser, since it would not control such plant diseases as respond to uncombined sulfur, nor did it contain any sulfur.

On September 13, 1939, a default decree of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1722. Misbranding of Harris Blu-Rib-Un Spray. U. S. v. Nineteen 5-Gallon Cans of Harris Blu-Rib-Un Spray. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2134. Sample No. 30768-D.)

This product was found to be valueless as a disinfectant; and it would not be effective against insects that infest baby chicks or hogs, nor would it be more effective than dips for killing ticks.

On June 9, 1939, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nineteen 5-gallon cans of Harris Blu-Rib-Un Spray, an insecticide and fungicide, at Chama, N. Mex.; alleging that the article had been shipped on or about June 2, 1938, by the R. L. Harris Co. from Omaha, Nebr.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it was valueless as a disinfectant; it would not control insects that infest baby chicks when used as directed, it would not act as an effective treatment for all varieties of scab or mange nor as an insecticide for all varieties of insects that infest hogs, and it would not be more effective than dips for killing ticks: "Valuable as a disinfectant of houses * * * Do not spray direct on chicks or young turkeys, but spray their sleeping quarters heavily during the day * * * Spraying hogs in sleeping quarters once or twice a week is very beneficial as * * * germ-killer, * * * Blu-Rib-Un * * * Baby Chicks * * * Also very valuable as a general insecticide when disease is present in the flock, * * * Blu-Rib-Un Spray will give entire satisfaction when used to overcome * * * scab, or mange in hogs. For hogs badly infested with mange, spray animals once a day for three days, always spraying the animals inside of the building. * * * Spraying hogs in sleeping quarters once or twice a week is very beneficial as an insecticide * * * Blu-Rib-Un Spray kills ticks more effectively than dip. If the directions are followed and the animals thoroughly sprayed, the desired results will be obtained. Easy, safe and economical to use and more effective than a dip, it is a great benefit to the animals and to their owners."

The article was also alleged to be misbranded under the Federal Food and Drugs Act, as reported in notice of judgment No. 30961, published under that act.

On November 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1723. Misbranding of X-Ode. U. S. v. 80 2-Ounce and 250 5-Ounce Packages, 1,650 1-Pound Cans, and 89 5-Pound, 77 10-Pound, and 1 50-Pound Drum of X-Ode. Decree of condemnation and forfeiture. Product released under bond for relabeling. (I. & F. No. 2141. Sample Nos. 48402-D, 48403-D, 48404-D.)

The labels on the various-sized containers of this product failed to bear an ingredient statement as required by law. Moreover, they all bore efficacy claims that were not supported by facts.

On June 26, 1939, the United States attorney for the District of Minnesota filed a libel against 80 2-ounce packages and 250 5-ounce packages, 1,650 1-pound cans, 89 5-pound drums, 77 10-pound drums, and 1 50-pound drum of X-Ode at St. Paul, Minn.; alleging that the article had been shipped in interstate commerce on or about July 26, August 14, September 14, September 27, October 26, December 27, and December 29, 1937, and March 11, 1938, by Products, Inc., from Columbus, Ohio; and charging misbranding in violation of the Insecticide Act of 1910.

The 5-pound, 10-pound, and 50-pound drums of the product were alleged to be misbranded in that the statements, "Odor Eliminator * * * X-Ode * * * Kills Germs. Kills Odors," borne on the labels, were false and mis-

leading and by reason thereof, the article was so labeled as to deceive and mislead purchasers, since it would not eliminate or kill all odors and would not kill all germs.

The product contained in the 1-pound cans was alleged to be misbranded in that the statements, "X-Ode Kills Germs * * * Kills Smells * * * Odor Eliminator * * * X-Ode * * * Takes Odors Off the Air! The Odor-Eliminator Germicide and Disinfectant Use One Ounce to a Gallon of water either hot or cold. This 'No. 16' Container Makes 16 Gallons—or more * * * We Guarantee the elimination of any odor whatsoever, when the surface from which the odor arises is washed or sprayed with X-Ode in our recommended dilution . . . X-Ode stands alone as the one de-odorant that does this Without Leaving Any Odor Of Its Own. Takes Odors Off The Air * * * Medical Laboratory Tests Prove Germicidal Action of X-Ode, in our recommended dilution, will prevent the growth of and destroy ordinary pathogenic bacteria. * * * For Toilets, Urinals, Drains—Wash surfaces with X-Ode solution, and use for mopping floors. * * * For Coolers, Refrigerators, Cases—Wash or spray surfaces and fittings. Place solution in Flat open containers in food compartments, remove when X-Ode loses color. For Cooking and Food Odors—Keep X-Ode solution in shallow pans on top of ranges. * * * For Odors in Rugs, Auto Upholstery, etc. * * * Effective even after Stench Bombs! Takes Odors Off the Air," borne on the cans and cartons were false and misleading and by reason thereof, the article was labeled so as to deceive and mislead purchasers, since it would not take all odors off the air or eliminate or kill all odors, would not disinfect or act as an active deodorant when exposed in shallow pans, would not stand alone as a deodorant without leaving any of its own odors, and it was not an effective disinfectant when used in the dilution recommended or when used as directed.

The product contained in the 2-ounce and 5-ounce packages was alleged to be misbranded in that the statement, "X-Ode takes Odors Off the Air! * * * Household Package—Makes 5 Gallons Use in water only—good as long as the color lasts! * * * Kills all Odors * * * Makes the air fresh and pure in any room—use in kitchens, basements, refrigerators, toilets, garbage cans . . . or Anywhere where odors originate. Neutralizer, Germicide and Antiseptic—All in One! In our recommended dilution, destroys bacteria. Used * * * to prevent body odors. Directions: Dissolve two tablespoons to a gallon of water, hot or cold. With this solution—Wash Any Surface or Container where an odor exists; it will vanish almost immediately: Destroy Cooking Odors by placing in shallow pan on or above range: Prevent Food Odors in refrigerator by using in open dish on bottom of food compartment," borne on the labels, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it would not take all odors off the air, would not make the air fresh and pure in any room, would not kill all odors or bacteria, would not act as an effective deodorant when exposed in shallow pans, and was not an effective disinfectant when used in the dilution recommended.

The product contained in packages of all sizes was alleged to be misbranded further in that it did consist partially of inert ingredients, and the name and the percentage amount of the inert ingredients were not stated on the label; nor in lieu thereof were the name and percentage amount of each and every ingredient having fungicidal properties, and the total percentage of the inert ingredients stated plainly and correctly on the label.

The article contained in the 2-ounce and 5-ounce packages was also alleged to be misbranded under the Food and Drugs Act, as reported in notice of judgment No. 30959 published under that act.

On November 10, 1939, the X-Products Co., St. Paul, Minn., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1724. Adulteration and misbranding of Glessner's Liquid Ant Killer. U. S. v. Leroy C. Glessner, trading as Glessner Bros. Plea of guilty. Fine, \$25. (I. & F. No. 2095. Sample No. 22081-D.)

This product was found to contain less of each active ingredient and more of the inert ingredients than were stated on the label. The product also contained arsenic, which was not declared on the label as required by the law.

On January 12, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against Leroy C. Glessner, trading at Eldena, Ill., under the name of Glessner Bros., alleging shipment by him in violation of the Insecticide Act of 1910 on or about May 6, 1938, from Eldena, Ill., into the State of Iowa, of a quantity of Glessner's Liquid Ant Killer which was adulterated and misbranded.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "active ingredients 4%, sodium arsenate 4%, metallic arsenic 1.61%, inert ingredients 96%."

It was alleged to be misbranded in that the statements, "active ingredients 4%, sodium arsenate 4%, metallic arsenic 1.61%, inert ingredients 96%," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser, since it contained less than 4 percent of active ingredients, less than 4 percent of sodium arsenate, less than 1.61 percent of arsenic, expressed as metallic arsenic, and more than 96 percent of inert ingredients. It was alleged to be misbranded further since it contained arsenic, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label.

On October 16, 1939, a plea of guilty was entered and a fine of \$25 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1725. Adulteration and misbranding of National Disinfectant. U. S. v. James J. Kaplan, trading as the Diamond Drug & Magnesia Co. Plea of guilty. Fine, \$15. (I. & F. No. 2039. Sample Nos. 20992-C, 55297-C.)

The strength and purity of this product fell below its professed standard or quality, since it contained a larger proportion of inert materials than that stated on the label. It was also found to be short of the declared volume.

On May 2, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James J. Kaplan, trading as the Diamond Drug & Magnesia Co., Cambridge, Mass., alleging shipment by him in violation of the Insecticide Act of 1910 on or about July 7, 1937, from Cambridge, Mass., into the State of Rhode Island, of a quantity of National Disinfectant which was adulterated and misbranded.

The product was alleged to be adulterated in that the statements "inert materials: water, not over 10%," borne on the label, purported and represented that its standard and quality were such that it contained inert ingredients in a proportion of not more than 10 percent; whereas its strength and purity fell below such professed standard and quality, since it contained inert ingredients, namely, water and mineral oil in a proportion greater than 10 percent.

It was alleged to be misbranded in that the statements "inert materials: water, not over 10%," "8 Fl. Oz." borne on the bottle label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser, since it contained inert materials in a proportion greater than 10 percent, it did not consist solely of water as such inert material but did consist of water and mineral oil as such inert materials, and the bottles contained less than 8 fluid ounces.

On October 4, 1939, a plea of guilty was entered and a fine of \$15 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1726. Misbranding of Nox-Mold Spray. U. S. v. Caperton Chemical Co., Inc. Plea of nolo contendere. Fine, \$50 on the first count; imposition of sentence suspended on the second count. (I. & F. No. 2159. Sample No. 66190-D.)

The label for this product bore false efficacy claims, and it also failed to bear the required ingredient statement.

On November 1, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Caperton Chemical Co., Inc., Daytona Beach, Fla., alleging shipment by it in violation of the Insecticide Act of 1910 on or about April 10, 1939, from Daytona Beach, Fla., into the State of Georgia of a quantity of Nox-Mold Spray, which was a misbranded insecticide and fungicide.

The article was alleged to be misbranded in that the statements, "Nox-Mold Spray * * * kills moths * * * Spray closets, bureau drawers and cabinets thoroughly * * * but kills such household insects as moths, their eggs and larvae, silver fish, etc," and "For Opening or Closing Homes—Spray

Nox-Mold freely on upholstered and plain furniture, books, draperies, rugs, mattresses, pillows, closets, blinds, etc. This disinfects * * * Germicide," borne on the label, were false and misleading and by reason thereof it was labeled so as to deceive and mislead purchasers since it would not kill moths, would not kill moth eggs and moth larvae, would not kill silverfish, etc., and would not act as a disinfectant or as a germicide when used as directed. The article was alleged to be misbranded further in that it consisted partially of an inert substance or ingredient, namely, water, and the name and percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having insecticidal or fungicidal properties and the total percentage of the inert substance or ingredient stated plainly and correctly, or at all, on the label.

On November 20, 1939, a plea of nolo contendere was entered and a fine of \$50 was imposed under the first count. Imposition of sentence was suspended on the second count pending further investigation as to the labeling of the product.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1727. Misbranding of Whiz Bed Bug Destroyer. U. S. v. 92 Cans of Whiz Bed Bug Destroyer. Default decree of condemnation and destruction. (I. & F. No. 2156. Sample No. 55935-D.)

The containers of this product each contained a smaller amount than that stated on the label.

On September 8, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cans of Whiz Bed Bug Destroyer at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 21, 1938, by the R. M. Hollingshead Corporation from Camden, N. J.; and charging that the product was a misbranded insecticide in violation of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements "16 Fl. Ozs. Litros .473," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since each of the cans did not contain 16 fluid ounces or 0.473 liter of the said article, but did contain a smaller amount thereof.

On November 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1728. Misbranding of Mynol Sterilizing Solution. U. S. v. The Mynol Chemical Co., Inc. Plea of guilty. Fine, \$25. (I. & F. No. 2144. Sample No. 67262-D.)

The label for this product bore unwarranted claims regarding its efficacy as a sterilizing solution and as a disinfectant and preserver of surgical instruments. The label also failed to bear a plain and correct ingredient statement as required by the law.

On September 6, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mynol Chemical Co., Inc., Philadelphia, Pa., alleging shipment by it in violation of the Insecticide Act of 1910, on or about March 21, 1939, from Philadelphia, Pa., into the State of New York of a quantity of Mynol Sterilizing Solution which was misbranded.

The product was alleged to be misbranded in that the statements, "Mynol Sterilizing Solution * * * Is Highly Recommended As A Reliable And Efficient Agent For the Disinfection and Preservation Of All Kinds Of Cutting Instruments, Syringes, Needles, Etc. * * * Use Full Strength * * * Mynol Sterilizing Solution For Keeping Hypodermic Syringes, Needles, Broaches, Burs, Lancets and Cutting Instruments In A Sterile Condition Ready For Instant Use," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead the purchaser, since it was not a sterilizing solution and was not a reliable and efficient agent for the disinfection and preservation of cutting instruments and other surgical instruments. It was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, namely, water, glycerin, and potassium bicarbonate, and the name and percentage amount of each of the said inert substances or ingredients were not stated plainly and correctly on the label;

nor in lieu thereof were the name and percentage amount of each ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substances or ingredients stated plainly and correctly upon the label.

On October 6, 1939, a plea of guilty was entered and a fine of \$25 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1729. Adulteration and misbranding of Hospital Cresolis; and misbranding of Red Griffin #2 Odorless Fly Spray and Red Griffin #1 Perfumed Fly Spray. U. S. v. Griffin Bros., Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2158. Sample Nos. 51163-D, 51164-D, 64064-D.)

The labels for the Red Griffin #2 Odorless Fly Spray and the Red Griffin #1 Perfumed Fly Spray bore false efficacy claims. The Hospital Cresolis contained a smaller proportion of cresylic acid and larger proportions of water and glycerin than those stated on the label. Its phenol coefficient was less than that stated on the label, which failed to bear the required ingredient statement.

On October 16, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griffin Bros., Inc., Portland, Oreg., alleging shipment by it in violation of the Insecticide Act of 1910 on or about July 12, 1938, and January 24, 1939, from Portland, Oreg., into the State of Washington of quantities of Red Griffin #2 Odorless Fly Spray, Red Griffin #1 Perfumed Fly Spray, and Hospital Cresolis, which were adulterated or misbranded insecticides or fungicides.

The Hospital Cresolis was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "99/100% Cresylic Acid 50% * * * Phenol Co-Efficient 5 by F. D. A. Method." It was misbranded also in that the statements, "99/100% Cresylic Acid 50% * * * Phenol Co-Efficient 5 by F. D. A. Method," borne on the label, were false and misleading and by reason thereof, it was labeled so as to deceive and mislead purchasers, since it consisted of cresylic acid in a proportion less than 50 percent and possessed a phenol coefficient of less than 5 when tested by the F. D. A. method. It was misbranded further in that it consisted partially of inert substances or ingredients, namely, water and glycerin, and the name and percentage amount of each inert substance or ingredient were not stated plainly and correctly upon the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having fungicidal properties, and the total percentage of the inert substances or ingredients stated plainly and correctly upon the label.

The Red Griffin #2 Odorless Fly Spray and the Red Griffin #1 Perfumed Fly Spray were alleged to be misbranded in that the statements, "Red Griffin #2 Odorless Fly Spray" and "Red Griffin #1 Perfumed Fly Spray," borne on the labels, were false and misleading and by reason thereof they were labeled so as to deceive and mislead purchasers, since they were not effective controls for flies.

On November 2, 1939, a plea of guilty was entered and a fine of \$50 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

1730. Misbranding of Hits-It Liquid. U. S. v. Hits-It Manufacturing Co., Inc. Plea of guilty. Fine, \$45. (I. & F. No. 2145. Sample Nos. 51250-D, 51591-D, 51592-D.)

Samples from each of the three shipments of this product were found to be short of the declared volume.

On August 30, 1939, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hits-It Manufacturing Co., Inc., Camden, N. J., alleging shipment by it in violation of the Insecticide Act of 1910, on or about April 4, 6, and 12, 1939, from Camden, N. J., into the State of Pennsylvania of quantities of Hits-It Liquid, which was a misbranded insecticide.

The article, in each of the three shipments, was alleged to be misbranded in that the statements, "Contents 8 ounces," "1½ Pt. Cans," and "1½ Pints," borne on the can, carton, and shipping-can labels, respectively, were false and misleading, since each of the containers contained a smaller amount thereof.

On October 6, 1939, a plea of guilty was entered and a fine of \$45 was imposed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

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